

Date: May 28, 2015

TO: THE MUNCIE BAR ASSOCIATION AND THE GENERAL PUBLIC

**Notice of Proposed Amendment to the Court Reporter Local Rule  
June 1, 2015**

The Delaware County Board of Judges pursuant to Trial Rule 81 gives notice to the bar and the public of their proposed amendment to the Court Reporter Local Rule **LR18-AR00-DLR-0041** Effective **January 1, 2016**. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for Local Rules concerning Court Reporters and may not take effect until approved by the Supreme Court.

The time period for the bar and the public to comment shall begin on June 1, 2015, and shall close on July 1, 2015. The proposed amendment to the rule will be adopted, modified or rejected before July 31, 2015, and will be submitted to the Indiana Supreme Court for review and approval.

**Comments by the bar and the public should be made in writing to:**

The Honorable Kimberly S. Dowling, Presiding Judge of the DELAWARE Circuit Court c/o Lana L. Scroggins, Court Administrator, Attn: Public Comment on Local Rules, DELAWARE County Justice Center, 100 W. Washington Street, Muncie, Indiana. Or, e-mail to: [llscroggins@co.delaware.in.us](mailto:llscroggins@co.delaware.in.us)

A paper copy of the proposed amended local rule will be made available for viewing in the office of the Clerk of Delaware County, Delaware County Courthouse, 100 W. Main Street, Muncie, Indiana and the Delaware County Clerk's Filing Office, Delaware County Justice Center, 100 W. Washington Street, Muncie, Indiana during normal business hours. Persons with Internet access may view the proposed amended Court Reporter Local Rule at the following websites: <http://www.co.delaware.in.us/clerk/> and <http://www.courts.IN.gov/rules/local>

**DELAWARE COUNTY BOARD OF JUDGES**

\_\_\_\_\_/S/\_\_\_\_\_  
Marianne Vorhees, Judge  
Delaware Circuit Court No. 1

\_\_\_\_\_/S/\_\_\_\_\_  
Linda Ralu Wolf, Judge  
Delaware Circuit Court No. 3

\_\_\_\_\_/S/\_\_\_\_\_  
Kimberly S. Dowling, Presiding Judge  
Delaware Circuit Court No. 2

\_\_\_\_\_/S/\_\_\_\_\_  
John M. Feick, Judge  
Delaware Circuit Court No. 4

\_\_\_\_\_/S/\_\_\_\_\_  
Thomas A. Cannon Jr., Judge  
Delaware Circuit Court No. 5

**LR18-AR00-DLR-0041**  
**In Re: Court Reporters**

**Section One. Definitions**

The following definitions shall apply under this local rule:

1. *A court reporter* is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.
2. *Equipment* means all physical items owned by the court or other government entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, copy machines, fax machines, computer hardware, software programs, disks, tapes and any other device used for recording, storing and transcribing electronic data.
3. *Work space* means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
4. *Page* means the page unit of transcript which results when a recording is transcribed in the form required by Indiana rule of Appellate Procedure 7.2.
5. *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
6. *Regular hours worked* means those hours which the court is regularly scheduled to work during any given work week.
7. *Gap hours worked* means those hours worked in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
8. *Overtime hours worked* means those hours worked in excess of forty (40) hours per work week.
9. *Work week* means a seven (7) consecutive day week that consistently begins and ends on the same days through the year, i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
10. *Court* means the particular court for which the court reporter performs services. Court may also mean all of the courts of record in Delaware County.
11. *County indigent transcript* means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court. The county indigent transcript will also include any requests from the local Prosecutor's Office.
12. *State indigent transcript* means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.
13. *Private transcript* means a transcript that is paid for by a private party, but not limited to a deposition transcript.
14. *Expedited* means transcripts which are requested to be completed within three (3) days.
15. *Rush/Overnight* means transcripts which are requested to be completed within twenty-four (24) hours.

## **Section Two. Salaries and Per Page Fees.**

1. Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, or gap hours or overtime hours. The supervising court shall inform the court reporter the manner in which the court reporter is to be compensated for gap and overtime hours, by receiving compensatory time off regular work hours.
2. The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$4.00, including cover pages; \$1.00 per page for a copy of a transcript provided to the Public Defender's Office or the Prosecutor's Office; and .50¢ per exhibit. The fee for an "expedited" transcript (preparation within three (3) days) on a county case shall be \$6.00 per page. The court reporter shall submit a claim voucher to Delaware County Public Defender Board or the Prosecuting Attorney's Office ~~the supervising judge~~ for approval of payment by the county for the preparation of any county indigent transcripts.
3. If a court reporter is requested to prepare an indigent "rush/overnight" transcript (preparation within twenty-four (24) hours or less), the per page fee shall be \$7.00.
4. The maximum per page fee a court reporter may charge for the preparation of a State indigent transcript shall be \$4.00; and, \$1.00 per page for a copy of a transcript; and .50¢ per exhibit. The fee for a State Public Defender requested "expedited" transcript (preparation within three (3) days) on a State indigent case will in no event exceed \$6.00 per page. If a court reporter is requested by the State Public Defender to prepare an indigent "rush/overnight" transcript (preparation within twenty-four (24) hours or less), the per page fee shall be \$7.00.
5. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$4.25 with the court reporter being responsible for expenses as provided in Section Four (4), Paragraph Two (2). The fee for an "expedited" transcript (preparation within three (3) days) on a private case will be agreed upon between the court reporter and party requesting the same but in no event may exceed \$6.25 per page. ~~The court reporter may charge up to \$1.00 per page for a copy of a transcript (including a disc copy), or \$1.00 per page for an exhibit with the court reporter being permitted to use the court system's copy machine outside of regular work hours. If so requested by a party, an "original copy" generated from the computer may be reproduced and charged at one half (1/2) the transcript fee. For a party that did not originally request the transcript, a disc or electronic copy may be provided at the cost of \$1.00 per page up to a maximum of \$250.00. If requested, an additional \$1.00 per page may be charged for the exhibits with the court reporter being permitted to use the county's copy machine outside of work hours. If a printed copy of the transcript is requested, the court reporter may charge one-half of the original cost.~~
6. Appellants shall receive a disc copy of the transcript at no charge at the time of full payment of the certified transcript being delivered to appellant or appellant's counsel.
6. 7. If a court reporter is requested to prepare a private "rush/overnight" transcript (preparation within twenty-four (24) hours or less), the maximum per page fee shall be \$7.25.
7. 8. An additional labor charge approximating the hourly rate based upon the court reporter's annual fixed compensation as reflected in the court budget, may be charged for the time spent binding the transcript and exhibits. ~~binders~~. The labor charge shall not exceed two (2) hours, unless unusual circumstances permit the submission of a recapitulation enumerating the hours spent beyond the two (2) hour base.
8. 9. The Index and Table of Contents pages shall be charged at the per page rate being charged for transcript preparation either for county, state or private cases.

9. ~~10.~~ A minimum fee up to \$35.00 per transcript shall be allowed for transcripts under eight (8) pages.

~~10.~~ 11. The court reporter or designated court employee shall report, at least on an annual basis, all transcript fees received for the preparation of county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

~~11.~~ 12. The preparation of *any* transcript for payment shall not be performed during regular work hours, including but not limited to, transcribing, copying, or other functions related to the compilation of the transcript.

~~12.~~ 13. A request for a digital copy of the audio of any hearing requested by any party shall be a flat fee of \$50.00 upon approval of the supervising judge.

### **Section Three. Private Practice**

1. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular work hours and the court reporter **will not** be allowed to utilize the court equipment to do so.

### **Section Four. Supplies**

1. All supplies for *County or State indigent transcripts*, i.e. transcript paper, binders and copy paper shall be provided through the court system's office supply account.

2. All supplies for *Private transcripts*, i.e. transcript paper, binders and copy paper shall be the responsibility of the court reporter. The court reporter will not be allowed to charge for the cost of such supplies due to the allotted fee approved herein for the preparation of a private transcript.

*(As amended effective ~~September 24, 2002~~ Janaury 1, 2016)*